

**Mission Bay Park Toxic Cleanup
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Chair Donna Frye
Mission Bay Landfill
Technical Advisory Committee
202 C Street
San Diego, CA 92101

FOR DISTRIBUTION

January 30, 2006

Subject: Comment Letter - Mission Bay Landfill Site Assessment Report

The City of San Diego's military toxic waste dump in the South Shores of Mission Bay Park was an unfenced, unlined, and unregulated toxic recipient of millions of gallons of toxic waste in the 1940's and 1950's. For years, it was the city's only operating Class 1 dump for toxics.

Past officials denied the toxic dump's existence. Current officials chairing and running the TAC, and supervising the site, contradict evidence the unlined site leaks through every pathway, and deny the relevance of its history of releases.

SCS Engineers' site study is fatally flawed -- it ignores scientific protocols at every level.

Its failures, from ill-conceived planning to faulty implementation, leave the public exposed to high risk from the dump's contaminated cap, soil, plumes, gas pockets, and unimpeded releases.

The study also failed to address the bio-accumulation of heavy metals and pesticides in Mission Bay and San Diego River fish and invertebrates. This is a serious health threat to both the humans and park endangered species that ingest them.

City records, historical aerial photo banks, and scientific studies submitted to TAC evidence unrestricted barrel- and surface-dumping throughout South Shores. Knowing this, City and SCS staff arbitrarily limited toxic tests to the "map" of an old garbage landfill. This violates the Technical Advisory Committee mission statement to find the "horizontal extent" of toxins.

To date, SCS has refused to produce an executive summary. After months of TAC member requests, SCS submitted two pages of pull quotes from the draft as their executive summary. This is bad science.

The following study comments must be considered preliminary until the stated conclusions of an executive summary are provided to TAC members:

- 1) Soon after getting the contract, SCS canceled all promised trenching, which precluded exposing hazardous sewage ponds revealed in aerial photos and city documents. SCS announced they were reducing push probe tests by 40%, and "unable to test" half bay sediment sites as well as an area near the river with extreme background levels.
- 2) SCS and the City site supervisors running TAC refused to contact for interview the responsible parties who dumped toxic waste -- Solar, Convair, Ryan, Rohr, and the U.S. Navy among many others. Scientific investigators always start a site assessment by contacting the corporations who dumped the toxics. TAC members, tasked with protecting the lives and health of thousands of parkgoers, still have little idea who dumped how much of what, when and where.
- 3) Forsaking scientific method, SCS shunned mandates to test to standards, provide split samples, repeat sampling to verify results, use new tubes to avoid contamination anomalies, or adjust results to twice daily tidal flushing. Air sampling, in a dump known to produce gases, was totally deficient in method and extent.
- 4) Drastically limiting accurate assessment of site toxins, and repeating the flawed Woodward Clyde mistake, SCS refused to test near high magnetometer reading locations.
- 5) Departing from scientific protocol, SCS Engineers canceled a promised Quality Assurance Program (QAP) requested by Baykeeper.
- 6) SCS and City TAC staff passed over requests to agendize the Environmental Protection Agency Site Assessment, a more current, accurate evaluation than the Woodward Clyde study data rehashed by SCS to the exclusion of numerous available area tests.
- 7) Re the human health risk assessment, SCS found that cancer and non-cancer risk drivers arsenic and mercury are at "high" and "very high" soil levels, exceeding from 200% to 400 % the safe hazard quotient of 1. Vanadium is elevated. SCS refuses to say if these levels are safe for human exposure, especially in children. The City and SeaWorld are building public use facilities in the area to attract people. Their expert, SCS, refuses to declare any public risk from a site where the cap is contaminated, chemical plumes are common, and large gas pockets are produced.
- 9) SCS and the City refused to fence the site, even when the cap was penetrated during testing, and refused to post a Prop 65 warning for the carcinogens listed in the Woodward Clyde study.
- 10) For five months, SCS and City TAC staff deliberately chose to withhold from TAC members letters from two state of California regulatory agencies. The letters were critical of SCS's scope and methods. SCS failed to implement the full recommendations of OEHHA and the CRWQCB. For instance, rather than test southeast Fiesta Is. for background levels, the City chose to establish none. During the five month coverup, SCS did their tests and SeaWorld began a major expansion.
- 11) The SCS report lacks a complete list of sampling, testing, and lab personnel, and their qualifications and experience.

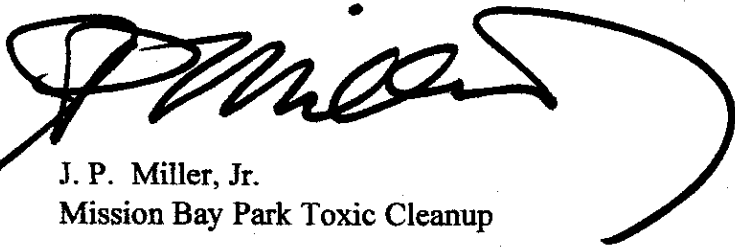
- 12) SCS failed to retest documented plume and gas hotspots outside the landfill map under the SeaWorld leasehold. City TAC staff then asked TAC to endorse SeaWorld mitigation projects outside TAC purview.
- 13) SCS virtually ignored the SAIC study, which established dump releases as the source of bay sediment contamination, and detailed extremely high levels of heavy metal releases.
- 14) SCS and city staff refused to review documents pertaining to the site's history, even though the city's paid document researcher collected an 88-page index re this site.
- 15) SCS paid no heed to calls for the document researcher to present a report.
- 16) SCS was deaf to calls from a host of environmental groups to determine the true horizontal extent of the dump, namely that portion beneath SeaWorld, where photos, studies, eye witnesses, and documents prove the existence of sewage waste, toxic plumes, and deadly and explosive Hydrogen Sulfide and Methane gas.
- 17) The Mission Bay Landfill, if it were just an illegally-unlined garbage dump, presents possible bacterial and viral health threats, as TAC member Budinger notes. By ignoring unposted toxic Thallium releases, garbage seepage, and human health complaints from area triathletes, the SCS study fails to adequately test surface waters.
- 18) The chair requested that MBPTC provide data on the dump, then joined SCS in *rejecting* the alarming professional scientific studies done by Targhee Environmental Inc, and SWAPE LLC, as submitted by California Earth Corps and the Sierra Club.
- 19) SCS declined to interview a dump site supervisor, who stated on video that "everybody, including the Navy, dumped everything everywhere in South Shores". This honored retiree also rescued a young girl caught in a sewage pond under where SeaWorld sits.
- 20) SCS and City staff failed to notice the study to recreational stakeholder user groups and area residents. Kept off the committee were County Health, Park and Rec., US Fish and Wildlife, Fish and Game, and the Coast Guard.
- 21) SCS neglected to test this site -- long known to be a military toxic waste dump -- for radioactivity.
- 22) As a nursery for the sport fishing industry, Mission Bay is dying. SCS did no bioassay of bordering water bodies -- not in Mission Bay or the San Diego River.
- 23) Despite a budget of \$650,000, SCS refused to computer map known plumes, airborne exposure outside of the city landfill map, or two dump flooding episodes.
- 24) SCS did no public health survey of the reported cancer cluster downwind in Bay Park.
- 25) In violation of the Precautionary Principle, instead of testing for all of the EPA Site Assessment's sixty-eight site Priority Pollutants, SCS and City Environmental Services staff restricted their study to a short list of COPCs.

- 27) SCS made little or no effort to examine degradation rates, discuss other studies, reconcile estimates, establish release source hotspots, detail clean up options, provide park land use guidelines, retest release sites, or acknowledge the risk to people of millions of gallons of toxics never remediated.
- 28) SCS refused to provide TAC with a requested list of applicable toxic standards, or to address the city and water board's failure to require any health and regulatory standards in the site monitoring program.
- 29) SCS ignored TAC staffer John Lamb's three part Union Tribune investigative report on the dump, as well as the San Diego Reader's cover story "Something Stinks in Mission Bay."
- 30) SCS refused to study the marine food exposure pathway in the human health risk assessment.
- 31) The chair and SCS refuse to discuss the tier two study both have mentioned.

The gross deficiencies and bad science detailed herein leave unprotected park visitors, employees, and neighboring residents. The study in no way elucidates the true threat of the next release from the Mission Bay dump.

TAC members, responsible for human health and safety, should not sanction this substandard study of a toxic time bomb.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "J. P. Miller, Jr.", with a long horizontal flourish extending to the right.

J. P. Miller, Jr.
Mission Bay Park Toxic Cleanup

cc: John Robertus, CRWQCB
City Attorney's Office